

ESTTA Tracking number: **ESTTA303083**

Filing date: **08/26/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92049364
Party	Defendant Floyd's 99 Holdings, LLC
Correspondence Address	Karen O'Brien Floyd's 99 Holdings, LLC 5340 S. Quebec St., Suite 205N Greenwood, CO 80111 UNITED STATES
Submission	Other Motions/Papers
Filer's Name	Jeffrey J. Cowman
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Signature	/Jeffrey J. Cowman/
Date	08/26/2009
Attachments	Respondent's Stmt re Status of Fed Ct Act.pdf ( 3 pages )(28619 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Shawn W. Woodrum, a Colorado Resident,	)	
d.b.a. Floyd's Barber Shop, a Colorado Sole	)	
Proprietorship	)	Cancellation No.: 92049364
	)	
<b>Petitioner,</b>	)	Registration No.: 2,749,894
	)	Registration Date: August 12, 2003
v.	)	
	)	Registration No.: 3,063,720
Floyd's 99 Holdings, LLC,	)	Registration Date: February 28, 2006
a Colorado limited liability company	)	
	)	
<b>Respondent.</b>	)	
	)	

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**RESPONDENT'S STATEMENT RE: STATUS OF  
FEDERAL DISTRICT COURT ACTION**

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Respondent Floyd's 99 Holdings, LLC ("Floyd's 99"), through counsel Ballard Spahr Andrews & Ingersoll, LLP, submits this statement regarding the status of the parallel Federal District Court Action pursuant to the Board's Order dated August 14, 2009:

1. By order dated October 13, 2002, the Board granted Respondent's motion to suspend this proceeding pending final determination of a parallel Federal District Court Action.

2. That action filed in the United States District Court for the District of Colorado captioned as *Floyd's 99 Holdings, LLC v. Shawn W. Woodrum*, Civil Action No. 08-cv-01321-MSK-BNB remains pending and is presently scheduled for a pretrial

conference on October 7, 2009. Respondent anticipates that at the time of that conference the Court will set the matter for trial.

3. Based upon the foregoing, Respondent requests that this proceeding remain in suspense pending final disposition of the Federal District Court Action.

4. Respondent will advise the Board within twenty days after the final determination of the Federal District Court Action as previously ordered by the Board.

WHEREFORE, Respondent Floyd's 99 Holdings, LLC requests that the Board continue to suspend this proceeding until final resolution of the pending parallel Federal District Court Action and that the Board direct such further process as it deems appropriate.

BALLARD SPAHR ANDREWS &  
INGERSOLL, LLP

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**Attorneys for Respondent Floyd's 99  
Holdings, LLC**

### **CERTIFICATE OF MAILING**

I hereby certify that a copy of **RESPONDENT'S STATEMENT RE: STATUS OF FEDERAL DISTRICT COURT ACTION** is being deposited with the United States Postal Service with sufficient postage as first class mail on August 24, 2009, in an envelope addressed to Petitioner: Shawn W. Woodrum, dba Floyd's Barber Shop, 116 North Court Street, P.O. Box 1549, Buena Vista, CO 81211-1549. I have also sent a courtesy copy to: Melissa A. Garscin, Esq., Inman Flynn Biesterfeld & Brentlinger PC, 1660 Lincoln St., Suite 1700, Denver, CO 80264.

Signature: s/ Jeffrey J. Cowman

Printed Name: Jeffrey J. Cowman